

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**In re Application of:** Maria Laura GENNARO      **Examiner:** Rod Swartz

**Application No.:** 10/009,383

**TC/Art Unit:** 1645

**Filed:** March 4, 2002

**Title:** Secreted Proteins of Mycobacterium  
Tuberculosis and Their Uses as Vaccines and  
Diagnostic Reagents

**Attorney Docket Number:** 20869-8

**Date:** July 2, 2009

**Mail Stop APPEAL BRIEF - PATENTS**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Response to Notification of Non-Compliant Appeal Brief**

Sir:

This communication is being filed in response to the Notification of Non-Compliant Appeal Brief (the "Notice") issued in connection with the above-referenced application. A response to the Notice is due July 29, 2009. Accordingly, this response is being timely filed.

The Notice stated that the Appeal Brief filed on May 18, 2009 in the above-referenced application was defective for the following reasons: (1) the brief did not identify all claims, including cancelled and withdrawn claims, in Section III of the brief (Status of Claims); and (2) the brief did not list the pending claims within the 103(a) rejection in Section VI of the brief (Grounds of Rejection to be Reviewed on Appeal).

In response, Applicant has amended Section III to include the sentence "Claims 1-2, 8, and 11-54 were previously cancelled." Applicant has amended the single ground of rejection set forth in Section VI to include a specific listing of the numbers of the pending claims as follows: "Whether the Pending Claims, i.e. claims 3-7, 9 and 10, are patentable under 35 USC §103(a) over Reed et al." The amended appeal brief containing these revisions is submitted concurrently herewith.

It is believed that the appeal brief submitted herewith, as amended, is fully compliant with the provisions of 37 CFR 41.37. If there are any outstanding issues that may be resolved by telephone, the undersigned may be reached by telephone at (973) 422-6532. The undersigned may also be contacted by e-mail at lschroeder@lowenstein.com. All correspondence should be directed to the address listed below.

**AUTHORIZATION**

The Commissioner is hereby authorized to charge any fees that may be required, or credit any overpayment, to Deposit Account 50-1358.

Respectfully submitted,  
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